

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 23-11728**
Mawuli K Nyaku : **Chapter 13**
: **Judge Patricia M. Mayer**
Debtor(s) : * * * * *

:
JPMorgan Chase Bank, National : **Date and Time of Hearing**
Association : **Place of Hearing**
Movant, : **July 10, 2024 at 01:00 p.m.**
: **U.S. Bankruptcy Court,**
vs : **900 Market Street, Courtroom #1,**
Mawuli K Nyaku : **Philadelphia, PA, 19107**
Margaret Ann Nyaku :
Kenneth E. West :

Respondents.

**MOTION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION FOR RELIEF
FROM THE AUTOMATIC STAY AND CODEBTOR STAY AS TO MARGARET ANN
NYAKU ON FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT 4755 ESSEX
DR, DOYLESTOWN, PA 18902**

JPMorgan Chase Bank, National Association ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay and pursuant to 11 U.S.C § 1301 granting relief from the codebtor stay as to Margaret Ann Nyaku on the real property located at 4755 Essex Dr, Doylestown, PA 18902 ("Property"). In support of its motion, Creditor states the following:

1. Mawuli K Nyaku ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on June 13, 2023 (the "Petition Date").
2. On September 7, 2018, Debtor and Margaret Ann Nyaku (the "Codebtor") executed a Note in the original amount of \$641,750.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.

3. To secure the Note, a Purchase Money Mortgage (the “Mortgage”) was given September 7, 2018, and recorded September 11, 2018. A copy of the Mortgage is attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.
4. There are no other liens against the property as listed in Debtor's Schedule D.
5. As of May 13, 2024, the total outstanding amount due on the Note is \$605,937.37 which consists of:

Principal	\$584,920.75
Interest	\$21,016.62
Escrow Advance	\$0.00
Late Charges	\$0.00
Other Fees	\$0.00
Suspense funds	\$(0.00)

6. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) and the codebtor stay pursuant to 11 USC § 1301 to proceed under applicable non-bankruptcy law to enforce its remedies and to take any and all actions necessary to accelerate the balance due on the Note, to foreclose the Mortgage in accordance with state law, to apply the net proceeds to the obligation, and to otherwise exercise its contractual and state law rights as to the Property.
7. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor and Codebtor are in default post-petition. Debtor and Codebtor have failed to make full post-petition payments for the past 8 months as of May 13, 2024 and are in default in the amount of \$33,723.23. This amount is broken down as follows:

<u>Post-Petition Payments Delinquent to Creditor</u>		
Date Range	Amount	Total
October 2023 to November 2023	\$4,215.73	\$8,431.46
December 2023 to May 2024	\$4,247.97	\$25,487.82
Suspense: \$(196.05)		
Total: \$33,723.23		

8. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
9. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay and the Codebtor Stay.

Additionally, Creditor moves the Court for an Order terminating the pending automatic stay to allow Creditor to send to any party or parties protected by the automatic stay any and all notices required by applicable state and/or federal law or regulation. Creditor further moves the Court to terminate the automatic stay to allow Creditor to take such actions with respect to the Property as are provided for under applicable non-bankruptcy law, including but not limited to, informing Debtor of any loan modification, short sale, or other loss mitigation options.

Respectfully submitted,

/s/Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)
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The case attorney for this file is Alyk L.
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CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of JPMorgan Chase Bank, National Association for Relief from the Automatic Stay and Codebtor Stay as to Margaret Ann Nyaku on First Mortgage for Real Property located at 4755 Essex Dr, Doylestown, PA 18902 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee,
ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Mawuli K Nyaku, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Mawuli K Nyaku and Margaret Ann Nyaku, 4755 Essex Drive, Doylestown, PA 18902

/s/Alyk L. Oflazian